IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

Indraj Vs. State of Rajasthan & Anr.

**S.B.CR.MISC. PETITION NO.693/2005**

DATE OF ORDER :: July 19, 2007

**PRESENT**

**HON'BLE MR.JUSTICE H.R.PANWAR**

Mr.R.K.Charan, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for the State.
Mr.G.M.Khan, for respondent No.2.

**BY THE COURT:**

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner seeks quashing of FIR No. 12/2004, P.S. Khajwala, Distt. Bikaner for the offences under sections 406, 420 and 120-B I.P.C.

I have heard learned counsel for the parties. Carefully gone through the FIR No.12 dt. 22.1.2004 for the offences under sections 406, 420 and 120-B I.P.C.

It is contended by the learned counsel for the petitioner that previously an FIR No.94/2003 was filed for the offences under sections 406 ,420 I.P.C. against the petitioner at Police Station, Puggal, Distt. Bikaner and on investigation, the police submitted the final report, which was accepted by the concerned

Magistrate. On careful perusal of the material available on record, in my view, no such FIR has been filed by the petitioner along with this petition. The only FIR annexed with this petition is FIR No.12 dt. 22.1.2004, Police Station Khajuwala, Distt. Bikaner, of which the petitioner seeks to quash on the ground of second FIR on the same facts. In absence of earlier FIR on record, it cannot be said that on the same facts, there had been an earlier FIR, which is culminated in filing of the negative final report and, therefore, the Court is to examine as to whether the FIR No.12 dt. 22.1.2004 in question discloses the cognizable offence or not.

On careful perusal of the FIR in question, in my view, the FIR discloses cognizable offences and, therefore, keeping in view the decision of Hon'ble Supreme Court in State of Haryana & Ors. vs. Ch. Bhajan Lal & Ors., **AIR 1992 SC 604,** no case for quashing the FIR is made out.

The petition is, therefore, dismissed. Ad interim stay order dt. 14.7.2005 is vacated. The stay petition also stands dismissed.

**[H.R.PANWAR],J.**

m.asif/-